

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TERRY EMMANSON,

Petitioner,

vs.

No. CIV 08-841 MCA/LFG

ROBERT EZELL, Warden,
Torrance County Detention Center,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED FINDINGS
AND RECOMMENDED DISPOSITION
AND DISMISSING ACTION, WITHOUT PREJUDICE AS MOOT**

THIS MATTER is before the Court on the Magistrate Judge's Amended Findings and Recommended Disposition, filed January 6, 2009 [Doc. 21], recommending that Respondent's motion to dismiss be granted and that Terry Emmanson's ("Emmanson") § 2255 petition be dismissed, without prejudice, for mootness.

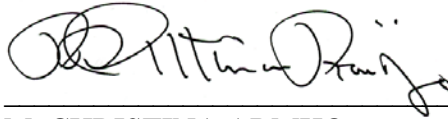
Emmanson did not file objections, and the deadline for filing objections has passed.¹ The Court accepts the report and recommendation of dismissal and concludes that Respondent's motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Amended Findings and Recommended Disposition of the United States Magistrate Judge are adopted by the Court.

¹According to the Government, Emmanson was deported in November 2008. [Doc. 19.] All recent court correspondence sent to Emmanson has been returned as undeliverable. [Doc. Nos. 22, 23.]

IT IS FURTHER ORDERED that Respondent's motion to dismiss is granted and that all claims set forth in Emmanson's petition are denied and that this action be, and hereby is, dismissed without prejudice on grounds of mootness.

SO ORDERED this 26th day of January, 2009.

A handwritten signature in black ink, appearing to read "M. Christina Armiño", written over a horizontal line.

M. CHRISTINA ARMIJO
United States District Judge